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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,852	02/22/2006	Hiromi Yoshida	JFE-05-1840	9915
35811	7590	12/08/2008	EXAMINER	
IP GROUP OF DLA PIPER US LLP			YEE, DEBORAH	
ONE LIBERTY PLACE			ART UNIT	PAPER NUMBER
1650 MARKET ST, SUITE 4900			1793	
PHILADELPHIA, PA 19103			MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief		Application No. 10/566,852	Applicant(s) YOSHIDA ET AL.
		Examiner Deborah Yee	Art Unit 1793
<p>–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –</p> <p>THE REPLY FILED 21 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</p> <p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input checked="" type="checkbox"/> The period for reply expires 3 months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p> <p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p> <p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p> <p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p> <p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p> <p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. </p> <p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input checked="" type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____</p> <p>Claim(s) objected to: _____</p> <p>Claim(s) rejected: 11-29.</p> <p>Claim(s) withdrawn from consideration: _____</p> <p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p> <p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p> <p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p> <p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet</p> <p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____</p> <p>13. <input type="checkbox"/> Other: _____</p> <p style="text-align: right;">/Deborah Yee / Primary Examiner Art Unit: 1793</p>			

Continuation of 11. does NOT place the application in condition for allowance because:

JP-941 teaches high strength steel sheet examples in tables 1 and 2 having a composition and microstructure which meet the recited claims; and when calculated, satisfy the claimed Nb and Ti equation; and are processed in the same manner as recited by the method claims. Even though JP-941 teaches 0.01 to 0.5% V which would be excluded by the recitation "free of V" such would not be a patentable distinction because it would be obvious for one skilled in the art to omit V and its known function (higher drawability), when the known function of V (high drawability) is not desired or needed.

Applicants submitted that present invention steel achieves new and unexpected results by removing V yet the functionality of V is, in fact, retained. Applicants refer to tables 2-1 and table 2-2 of the instant specification that show inventive steels containing both Nb and Ti but no V yet they are able to retain deep drawability functionality associated with the presence of V, as taught by JP-941. In particular inventive examples 31 and 32 contain Nb and Ti and exhibit elongation at 38% and 37% and r values at 2.1 and 2.1, respectively. On the other hand, prior art examples 5, 8, 12 and 17 which contain V, Nb, Ti exhibit an average elongation value collectively of 30.0% and an average r value collectively of about 1.85.

It is the Examiner's position that currently, inventive product claims recites r value of 1.2 or more and inventive process claims do not recite any property limitation and therefore would broadly encompass many steel alloys, which include steel alloys containing Nb and Ti having drawability properties inferior to JP-941 steels that contain Nb, Ti and V. See Applicants' table 1 and table 2-1, whereby inventive example 19 contains V, Nb and Ti yet exhibits r value of 1.2 and elongation value of 26%. To patentably distinguish claims over prior art, it is recommended to amend claims to recite --r value of at least 1.8 and elongation of at least 30%--. Support for amendments are base on examples shown in tables 2-1 and 2-2 of instant specification.